श्री रजनी रंजन साहू (बिहार) : स्पेशल मेंशन को पूरा कर दिया जाए ।

श्री शिवप्रसाद चनपुरिया (मध्य प्रदेश) : मैं यह कहता हूं कि आपके स्पेशल मेंशन चालू है, इन को बीच में काटकर नया सब्जेक्ट न शुरू किया जाए ।

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) आपकी व्यवस्था ठीक है अपनी जगह पर, मैं उसे गलत नहीं कह रहा हूं । लेकिन ऐसा है कि मैं जहां बैठा हूं तो चेयर की भी कोई जवाबदेही होती है कि कभी कभी अव्यवस्था को व्यवस्था में परिवर्तित करे और कभी व्यवस्था में भी अपनी बात रखे । तो इन्होंने तीन चार बार रखा । चूंकि अभी सदन के नेता मौजूद हैं और मंत्री महोदया भी मौजूद हैं इसलिए मैंने उचित समझा कि इस महत्वपूर्ण विषय पर यदि वे कुछ कहना चाहती हैं तो उनकी बात सुन ली जाए ।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : श्रीमन, कल वादा किया गया था हाउस में कि सदन के एडजर्न होने से पहले बताएंगे ।

Clarifications by the Minister—Re. Warrant of Arrest against Win Chadha

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI MARGARET ALVA): Sir, yeserday a number of Members had raised in this House certain issues arising out of the Press report in a local daily. The hon. Home Minister and Leader of the House had promised that I would come and clarify some of these issues which had been raised, I hope, to the satisfaction of the Members. Therefore, I am before the House just to clarify some of those points which have been raised. A news item has appeared in the Indian Express dated 19th August, 1992 under the title "Chadha granted Swiss stay permit". It is alleged that the Swiss Government has received a message from Interpol that the Indian Government is no longer pursuing Win Chadha and that the international search and arrest warrant against him has been revoked.

An intimation was received on 5th May, 1992 from the Indian Ambassador in Switzerland to the effect that Win Chadha has been granted a permit to stay in Appenzel (Innerraden) Canton of Switzerland. It was also reported that Win Chadha had represented to the Swiss Government that he should be given an identity document which may enable him to travel abroad. On receipt of this communication, the Director, CBI, wrote to the Indian Ambassador in Switzerland explaining that Win Chadha, who is an accused in this case, is required for the purpose of interrogation and investigation in the Bofors case and that if his request for issue of an identity card is acceded to by the Swiss Government, it may create difficulty for securing his presence in the Court to face trial in India. It was also explained that Win Chadha had used his revoked passport for travelling to Switzerland which he was not authorised to do. I would like to point out that it is not from India that he travelled but he was in the Middle-East from where he travelled on a passport which we had revoked in India. The Indian Ambassador was requesed to bring all these facts concerning Win Chadha's requirement in India to the notice of the concerned Swiss authorities through a note-verable. On 21st May, 1992, the Indian Ambassador sent a *note-verbale* to the Federal Department of Justice and Police (1) for their consideration. It is not correct to say that any message or indication has been given to the Interpol authorities that the Indian Government is not interested in pursuing Win Chadha's case. A red-corner notice was issued by the Interpol Headquarters in April, 1990 on the basis of a non-bailable war-

rant of arrest issued by the Special Judge, Delhi on 14th March, 1990. However, in a criminal miscellaneous petition filed by Win Chadha in June, 1990, on an assurance given by the then Additional Solicitor General that the arrest warrant will not be renewed, the Delhi High Court ordered 13th November, 1990 that the warrant of arrest against Win Chadha will not be issued. Since no warrant of arrest against Win Chadha was alive thereafter, a bluecorner notice for locating Win Chadha was issued by the Interpol Headquarters in December, 1991 on the request of the CBI which replaced the red-corner notice issued earlier and this is still valid. The CBI has also filed a Special Leave Petition in the Supreme Court of India on 11th June, 1992 against the order of the Delhi High Court which set aside the order of the Special Judge, Delhi for issuance of a warrant of arrest against Win Chadha.

Thank you, Sir.

SHRI S. JAIPAL REDDY (Andhra Pradesh): Mr. Vice-Chairman, the Minister adopted a very clever strategy of reading out a statement which is technically different from a suo motu statement. But all our doubts have been enhanced. They have not been reduced. I would like to make only a few short, telling points. Without getting into all the strains, why does the Government not think of initiating extradition proceedings against Mr. Win Chadha? The Minister was good enough to tell us how the Ambassador of our country in Switzerland gave a *note-verable* to the Government of Switzerland in regard to the identity card which he had sought. I would like to know what response has been elicited from the Government of Switzerland to this note verbale. Does this mean that the Government is eventually reconciled to the stay permit granted by the Government of Switzerland? The Minister has not referred to a very significant aspect of yesterday's story. He could obtain the stay permit in the Swiss cantonal town because he is said to have made a truly significant contribution to the town, to the industrial development of the town, Appenzel. Did our people make an inquiry about the investments he has made, as to where he got this money from?

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): You see, this is not a *suo motu* statement made by the Minister. So, I want to tell you, I am not going to oblige any Member just now by allowing him to put any questions on this. We are just now dealing with Special Mentions and today is the last day of the Session. Since you raised this point, I am just allowing you only... (*Interruptions*)...

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): It has now become complicated... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, no. I am going to allow her to reply only to his question. Then I will call Mr. Solanki to make his Special Mention... (Interruptions)...

SHRI MOHAMMED AFZAL alias MEEM AFZAL (Uttar Pradesh): Is she responsibility sir? (*Interruptions*)

उपसभाध्यक्ष (श्री शकर दयाल सिंह): ठीक है, आप बैठ जाइए। एक सेकेंड बैठ जाइए। यह जो कह रहे हैं वह सुन लीजिए।

SHRI JAGDISH PRASAD MATHUR: There is no warrant of arrest now. So, how are you going to ensure that he will come back to the country?... (*Interruptions*)...

SHRIMATI MARGARET ALVA: I am only saying that it was charged yesterday that we had told them—this is the report; I do not want to read out the newspaper reports—

[Shrimati Margaret Alva]

that the Indian Government had communicated to them that we were not pursuing it. My point is that all this was done by the very Government and the very people who are now saying that we are responsible for it... (*Interruptions*)... This was done in 1990, not by us. We have to retrieve the situation now. That is the point... (*Interruptions*)...

SHRI S. JAIPAL REDDY: Madam, in 1990, you had your proxy Government here... (*Interruptions*)... You had your proxy Government here. But let us not go into that just now. I have put some straight questions. You may kindly answer them. Will you initiate extradition proceedings?

SHRI JAGDISH PRASAD MATHUR: There is no arrest warrant. So, how do you ensure that he will come here?... (*Interruptions*)...

उन्होंने यह कहा कि वारंट था ही नहीं। इसलिए वह कहते हैं कि सवाल नहीं कि केश उनके ऊपर चल रहा है... (**व्यवधान**)

श्री रजनी रंजन साहू (बिहार) : हर सवाल का जवाब इस वक्त नहीं हो सकता। ... (**व्यवधान**)

श्री जगदीश प्रसाद माथुर : बड़ी मुश्किल यह है कि जब किसी मंत्री से पूछते हैं तो मंत्री जी के बजाए मैम्बर्स जवाब देने के लिए खड़े हो जाते हैं। ... (**व्यवधान**)

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : सुन लीजिए, वह कुछ बोल रही हैं। ... (**व्यवधान**)

SHRIMATI MARGARET ALVA: Issuing of residence visas and so on is the prerogative of a particular Government, to say "Yes" or to say "No". We have made our point of view very clear to them that he is required in India and if you give him permanent residence, then it is going to be very very difficult to get him here. We have made it very clear to the Swiss Government that we are against his being given a permanent residential visa or permit or whatever you may call it.

Sir, his second question is about extradition. For that you have to have a treaty and certain procedures are there. We will look into it, look into everything, and I am not ruling out anything here. I am only clarifying the point that you raised yesterday saying that we had done this deliberately, that we have told them that we are not interested in this thing and so on, which is not true. I am placing before you certain facts. As you know, the red-label notice which is issued is for the arrest and production of the person through the Interpol. That was issued. On your assertion that we did not want to pursue it and so, the warrant was withdrawn, we asked them, "At least a blue-label notice be issued so that he is traced and is available whenever he is required by the Interpol." And this is kept alive. We are for tracing him whenever he is required.

About giving him permit or not to give him these are wider issues and every Government has got the sovereign right to admit or not to. Then, you spoke about the investment that he has made here and has made there. We have no information. Some newspaper reports have come. It will form part of the investigation when the whole process goes on. But I cannot walk into Switzerland and start investigating everybody's account. We have no *locus standi*. It has to be done through international assistance, through the Interpol and other agencies, and this is being processed and followed.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Now, Mr. Solanki to make his Special Mention.